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DOCKET NO.: 1733.2025 US1 (003)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Henry R. Costantino and Joyce M. Hotz

Application No.: 10/688,786 Group Art Unit: 1646

Filed: October 17, 2003 Examiner: Not Assigned

Confirmation No.: 9558

Title: MICROENCAPSULATION AND SUSTAINED RELEASE OF BIOLOGICALLY ACTIVE POLYPEPTIDES

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:

*7-23-04 Hollie Wakefield*

Date Signature

**Hollie Wakefield**

Typed or printed name of person signing certificate

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

under 37 CFR 1.129(a), or  
(First/Second submission after Final Rejection)

under 37 CFR 1.97(b), or  
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).

under 37 CFR 1.97(c) together with either:

- a Statement under 37 CFR 1.97(e), as checked below, or
- a \$180.00 fee under 37 CFR 1.17(p), or  
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)

under 37 CFR 1.97(d) together with:

- a Statement under 37 CFR 1.97(e), as checked below, and
- a \$180.00 fee under 37 CFR 1.17(p), or  
(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)

under 37 CFR 1.97(i):  
Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.  
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- [ ] Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- [ ] No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d)

(Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- [ ] Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

[X] Enclosed herewith is form PTO-1449:

- [X] Copies of the cited references (AI, AR and AS) are enclosed.
- [ ] Copies of cited references are enclosed except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
- [X] The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
- [ ] The "concise explanation" requirement (non-English references) for reference(s) [ ] under 37 CFR 1.98(a)(3) is satisfied by:
  - [ ] the explanation provided on the attached sheet.
  - [ ] the explanation provided in the Specification.
  - [ ] submission of the enclosed International Search Report.
  - [ ] submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
  - [ ] the enclosed English language abstract.

The Examiner is requested to return a copy of the list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

[ ] A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.

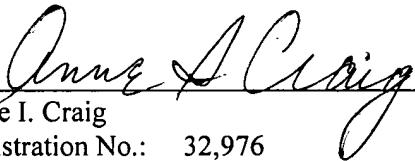
[ ] Please charge Deposit Account 502807 in the amount of \$[ ]. A copy of this Statement is enclosed.

[X] Please charge any deficiency in fees and credit any overpayment to Deposit Account 502807.

Respectfully submitted,

ELMORE CRAIG, P.C.

By

  
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Dated: 7/23/04

ATTORNEY DOCKET NO.  
1733.2025 US1 (003)APPLICATION NO.  
10/688,786APPLICANTS  
Henry R. Costantino, *et al.*INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

June 22, 2004

(use several sheets if necessary)

FILING DATE  
October 17, 2003

CONFIRMATION NO.

GROUP

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF. NO.	DOCUMENT NUMBER	ISSUE DATE / PUBLICATION DATE	NAME
	AA	3,523,906	11 Aug 1970	Claeys <i>et al.</i>
	AB	3,691,090	12 Sept 1972	Kitajima <i>et al.</i>
	AC	3,737,337	05 June 1973	Schnoring <i>et al.</i>
	AD	3,891,570	24 June 1975	Fukushima <i>et al.</i>
	AE	3,960,757	01 June 1976	Morishita <i>et al.</i>
	AF	4,389,330	21 June 1983	Tice <i>et al.</i>
	AG	5,019,400	28 May 1994	Gombotz <i>et al.</i>
	AH	5,424,286	13 June 1995	Eng
	AA2	5,656,297	12 Aug 1997	Bernstein <i>et al.</i>
	AB2	5,922,253	13 June 1999	Hebert <i>et al.</i>
	AC2	6,190,702 B1	20 Feb 2001	Takada <i>et al.</i>
	AD2			
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EXAMINER

DATE CONSIDERED

INFORMATION DISCLOSURE CHART  
IN AN APPLICATION

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(Use several sheets if necessary)

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1733.2025 US1 (003)APPLICATION NO.  
10/688,786APPLICANTS  
Henry R. Costantino, et al.FILING DATE  
October 17, 2003

CONFIRMATION NO. GROUP

## U.S. COPENDING APPLICATIONS

EXAMINER INITIAL	REF. NO.	APPLICATION SERIAL NUMBER	FILING DATE	NAME
AI	10/688,059		17 Oct 2003	Costantino et al.
AJ				
AK				
AI2				
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EXAMINER

DATE CONSIDERED

PTO-1449 REPRODUCED

JUL 27 2004

SEARCHED

INDEXED

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FILED

**INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION**

June 22, 2004

(Use several sheets if necessary)

ATTORNEY DOCKET NO.  
1733.2025 US1 (003)APPLICATION NO.  
10/688,786

## APPLICANTS

Henry R. Costantino, *et al.*

## FILING DATE

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## CONFIRMATION NO.

## GROUP

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

AR	Creighton, Thomas E., <u>In</u> "Proteins: Structures and Molecular Principles," Published by W.H. Freeman and Company, NY) pp. 149-150.
AS	Lucke, <i>et al.</i> "Peptide Acylation by Poly(a-Hydroxy Esters), Pharmaceutical Research, 19(2):175-181 (2002).
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